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HCP No. 2031 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

HCP No. 1250 of 2025

1. VIJAYARANI

W/o.Sekar, No.1/61, Sedhupathi Nagar,
Paramakudi, Kattuparamakudi,
Ramanathapuram District.

Petitioner(s)

Vs

1. The State of Tamil Nadu, rep. by its
Secretary, Home, Prohibition and Excise
Department
Fort St.George, Chennai - 9.

2.The Commissioner of Police
Greater Chennai.

3.The Superintendent of Prison,
Central Prison,Puzhal,
Chennai - 600 066.

4.The Inspector of Police,
J-13, Tharamani Police Station,
Chennai - 600 113.

Respondent(s)

**PRAYER**

To issue a writ of Habeas Corpus or any other appropriate writ, order or direction in the nature of a writ of Habeas Corpus petition to call for the entire records, relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 13.05.2025 on the file of the 2nd respondent in pursuance of his order No.254/BCDFGISSSV/2025 and quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Thiru.Harikrishnan, S/o.Sekar, aged 24 years before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Puzhal, Chennai - 600 066.

For Petitioner(s): Mr.T.Meganathan

For Respondent(s): Mr.A.Gokulakrishnan, Additional
Public Prosecutor For

ORDER

J.Nisha Banu, J.
S.Sounthar,J.

The petitioner is the mother of the detenu, viz., Harikrishnan, S/o.Sekar, aged 24 years, who is confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in No.254/BCDFGISSSV/2025 dated 13.05.2025, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug offenders, Forest offenders, Goondas, Immoral Traffic offenders, Sand offenders, Sexual Offenders, Slum Grabbers



and Video Pirates Act, 1982.

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2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the ground that the Memo of Evidence was not translated in tamil version. Hence, it is submitted that the detenu was deprived of making effective representation.

4. Learned Additional Public Prosecutor would fairly state that the Memo of Evidence was not translated in tamil version.

5. On a perusal of the Booklet, it is seen that at Volume-II page 14-15, the Memo of Evidence, furnished to the detenu, was not translated in tamil version. Therefore, the detenu is deprived from making effective representation and that the Detention Order passed by the Detaining Authority is vitiated.

6. In this context, it is useful to refer to the judgment of the Hon'ble Supreme Court in '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*'. The Hon'ble Supreme Court, after discussing the safeguards



embodied in Article 22[5] of the Constitution, observed that the detenu should be afforded an opportunity of making representation effectively against the

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Detention Order and that, the failure to supply every material in the language which can be understood by the detenu, is imperative. In the said context, the Hon'ble Supreme Court has held in Paragraphs 9 and 16 {as in SCC journal} as follows:-

“9. However, this Court has maintained a distinction between a document which has been relied upon by the detaining authority in the grounds of detention and a document which finds a mere reference in the grounds of detention. Whereas the non-supply of a copy of the document relied upon in the grounds of detention has been held to be fatal to continued detention, the detenu need not show that any prejudice is caused to him. This is because the non-supply of such a document would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of document has to be supported by prejudice caused to him in making an effective representation. What applies to a document would equally apply to furnishing a translated copy of the document in the language known to and understood by the detenu, should the document be in a different language.



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HCP No. 2031 of 2025



..... **16.***For the above reasons, in our view, the non-supply of the Tamil version of the English document, on the facts and in the circumstances, renders her continued detention illegal. We, therefore, direct that the detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”*

7. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

8. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent in No.254/BCDFGISSSV/2025 dated 13.05.2025 is hereby set aside. The detenu, viz., Harikrishnan, Son of Sekar, aged about 24 years, who is now confined in the Central Prison, Puzhal, Chennai, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(J.NISHA BANU J.)(S.SOUNTHAR J.)

14-10-2025

vsi

To



1. The State of Tamilnadu,
rep. by its Secretary to Government,
Home, Prohibition and Excise
Department, Fort St. George,
Chennai - 9.

2. The Commissioner of Police,
Greater Chennai.

3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.

4. The Inspector of Police,
J-13, Tharamani Police Station,
Chennai - 600 113.

5. The Joint Secretary, Law & Order Dept., Secretariat, Chennai-9

6. The Public Prosecutor, High Court, Chennai



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